

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of J.W. and D.W., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JULIUS WILLIAMS, SR.,

Respondent-Appellant,

and

NICHOLE CAMPBELL,

Respondent.

UNPUBLISHED

March 18, 2003

No. 242085

Genesee Circuit Court

Family Division

LC No. 00-112737-NA

Before: Griffin, P.J., and Neff and Gage, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating his parental rights to the minor children under MCL 712A.19b(3)(h). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that the statutory ground for termination was established by clear and convincing evidence. MCL 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Since respondent-appellant was incarcerated, he has not provided financially for his children and has not provided a stable home for the children. Respondent-appellant contends that he has provided proper care and custody for his children while incarcerated because he has proposed that the children move to New York to live with his sister so that they can visit him in prison. However, the evidence demonstrated that respondent-appellant's sister was not well-acquainted with the children. Moreover, the children were doing well in the home of their maternal aunt, with whom they had been living for more than two years.

Furthermore, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Although the children had a bond with

respondent-appellant, his lengthy prison term will prevent him from providing guidance to his children for many years. The evidence demonstrated that the children were benefiting from the stability of their maternal aunt's home.

Finally, we find no merit in respondent-appellant's argument that petitioner violated his due process rights by failing to send him petitioner's court reports and updated service plans. Respondent-appellant points to no rule of law supporting his position. Furthermore, respondent-appellant admitted in his brief that he received all court orders issued in this case.

Affirmed.

/s/ Richard Allen Griffin

/s/ Janet T. Neff

/s/ Hilda R. Gage